

REGULAR MEETING

Monday, May 17, 1948

7:30 P. M.

The Common Council of the City of Indianapolis met in the Council Chamber at the City Hall, Monday, May 17, 1948, at 7:30 P. M.. in regular session. President Emhardt in the chair.

The Clerk called the roll.

Present: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Absent: Miss Connor.

The reading of the Journal for the previous meeting was dispensed with no motion of Mr. Wicker, seconded by Mr. Ross.

COMMUNICATIONS FROM THE MAYOR

May 5, 1948.

To the Honorable President and
Members of the Common Council
of the City of Indianapolis:

Gentlemen:

I have this day approved with my signature and delivered to the City Clerk, Mr. Richard Stewart, the following Ordinances:

APPROPRIATION ORDINANCE NO. 4, 1948.

AN ORDINANCE appropriating, transferring and reappropriating and reallocating as of May 1, 1948, certain sums (tax monies) to certain designated items and funds in the Department of Public Safety Municipal Dog Pound, as appropriated under the 1948 Budget (G. O. 98, 1947) as hereby, to abolish certain positions and create new positions; and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 25, 1948.

AN ORDINANCE restricting parking on certain parts of designated streets in the City of Indianapolis, Indiana; providing a penalty for violation thereof; and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 26, 1948.

AN ORDINANCE authorizing the Board of Safety, Traffic Engineer, to purchase through its duly authorized Purchasing Agent, certain equipment to be paid for out of funds heretofore appropriated; and fixing a time when the same shall take effect.

GENERAL ORDINANCE NO. 29, 1948.

AN ORDINANCE to amend Section 44 of General Ordinance No. 96, 1928, as amended, to establish South Sherman Drive as a preferential street from Pleasant Run Boulevard, North and South Drive.

GENERAL ORDINANCE NO. 30, 1948.

AN ORDINANCE to amend Section 1, General Ordinance 96, 1928, as amended, to establish additional loading zones in the City of Indianapolis, and fixing a time when the same shall take effect.

Respectfully,

AL FEENEY,
Mayor.

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COMMUNICATIONS FROM CITY OFFICIALS

May 15, 1948.

To the Honorable President and
Members of the Common Council
of the City of Indianapolis

Gentlemen:

In Re: Appropriation Ordinance No. 5, 1948.

I beg leave to report that pursuant to the laws of the State of Indiana, I caused "Notice to Taxpayers" to be inserted in the following newspapers, to-wit:

A. O. No. 5, 1948—Friday, May 7 and 14, 1948—The Marion County Mail and The Indianapolis Commercial

that taxpayers would have the right to be heard on the above ordinances at the meeting of the Common Council to be held at 7:30 P. M., May 17, 1948, and by posting copies of said notices in the City Hall, Court House and Police Station in the City of Indianapolis, which notices remained posted for ten days or more prior to date of hearing.

Very truly yours,

RICHARD G. STEWART,
City Clerk.

May 15, 1948.

To the Honorable President and
Members of the Common Council
of the City of Indianapolis

Gentlemen:

In Re: General Ordinance No. 25, 1948.
General Ordinance No. 29, 1948.

I hereby report that pursuant to the laws of the State of Indiana, I caused publication to be inserted in the following newspapers, to-wit:

G. O. No. 25, 1948—Friday, May 7 and 14, 1948—The Marion County Mail and The Indianapolis Commercial

G. O. No. 29, 1948—Friday, May 7 and 14, 1948—The Marion County Mail and The Indianapolis Commercial

and that said ordinances are in full force and effect as of the last date of publication.

Very truly yours,

RICHARD G. STEWART,
City Clerk.

May 15, 1948.

To the Honorable President and
Members of the Common Council
of the City of Indianapolis

Gentlemen:

In Re: General Ordinance No. 34, 1948.

I hereby report that pursuant to the laws of the State of Indiana, I caused to be published on May 7, 1948 in the Marion County Mail and the Indianapolis Commercial "Notice to Interested Citizens" that G. O. No. 34, 1948 (Zoning Ordinance) was set for hearing before the Common Council on May 17, 1948.

Very truly yours,

RICHARD G. STEWART,
City Clerk.

May 13, 1948.

Mr. Joseph C. Wallace
Chairman, Committee on Public Works
1021 Security Trust Building
Indianapolis, Indiana

Dear Mr. Wallace:

The City Plan Commission, at its regular meeting May 10, 1948, held public hearing for the purpose of obtaining further evidence with reference to General Ordinance No. 24, 1948, an ordinance to

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amend General Ordinance No. 114, 1922, commonly known as the Zoning Ordinance.

By a vote of six to two, being a decisive vote, the Commission again disapproved and recommended against the passage of this ordinance, thus reaffirming its previous action.

Respectfully yours,

NOBLE P. HOLLISTER,
Executive Secretary, City Plan Commission.

May 1, 1948.

To the Honorable President and
Members of the Common Council
City of Indianapolis.

Gentlemen:

Attached twenty-two (22) copies of General Ordinance No. 36, 1948, establishes Loading Zones for Curtis and French Company, 1108 North Pennsylvania Street and Marvel Venetian Blind Company, 417 East 22nd Street.

We respectfully recommend its passage.

Yours very truly

BOARD OF PUBLIC SAFETY,
L. J. KEACH, President.

May 7, 1948.

Mr. C. J. Emhardt President
and
Members of the Common Council
City of Indianapolis, Indiana

Gentlemen:

We attach hereto copies of General Ordinance No. 37 authorizing

the Board of Works to purchase certain equipment for the Street Commissioners Department.

I respectfully recommend the passage of this Ordinance.

Yours very truly,

EDWARD G. HERETH,
Purchasing Agent.

May 10, 1948.

To the Honorable President and
Members of the Common Council
City of Indianapolis.

Gentlemen:

We submit herewith General Ordinance No. 38, 1948.

This Ordinance provides for a two (2) cab stand to be established at 2648 and 2650 Northwestern Avenue.

We respectfully recommend its passage.

Yours very truly,

BOARD OF PUBLIC SAFETY,

L. J. KEACH, President.

May 14, 1948.

Richard G. Stewart,
City Clerk,
Indianapolis, Ind.

Dear Sir:

We are herewith attaching twenty one (21) of proposed General Ordinance No. 39, on which a motion was made on May 5th, 1948, by the Board of Sanitary Commissioners as follows, General Ordinance—Private Dumps.

A motion was made by Warren C. Bevington that the General Ordinance covering Private Dumps be approved by the Board of Sanitary Commissioners and passed to the City Council for action. Motion was seconded by Louis C. Brandt.

Trusting that this will be presented at the next council meeting,

Yours truly,

THE BOARD OF SANITARY COMMISSIONERS,

L. RESENER, Asst. Secy.

May 11, 1948.

Mr. C. J. Emhardt, President
and
Members of the Common Council
City of Indianapolis, Indiana

Gentlemen:

We attach hereto copy of Ordinance No. 40, authorizing the Board of Works to purchase certain materials and supplies for the Engineering Department, Asphalt Plant.

I respectfully recommend the passage of this Ordinance.

Yours very truly,

EDWARD G. HERETH,
Purchasing Agent.

May 17, 1948.

To the Honorable President and
Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

Attached hereto find 21 copies of General Ordinance No. 41, 1948, amending General Ordinance No. 78 relating to our present Ordinance of Solid Fuel Dealers.

The purpose of this Ordinance is to make the provisions of this Ordinance cover every Coal Yard operated by any individual, firm or corporation.

I recommend the passage of this Ordinance.

PHILLIP L. BAYT,
City Controller.

May 17, 1948.

To the Honorable President and
Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

Attached hereto you will find 21 copies of General Ordinance No. 42, 1948, amending Section 703-709 and Section 476 (3) of the Municipal Code of 1925.

The purpose of this ordinance is to incorporate and license as Second Hand Auto Dealers those individuals, firms and corporations who buy junk cars, and operate junk car lots and sell therefrom used parts to the general public.

I recommend the passage of this ordinance.

PHILLIP L. BAYT,
City Controller.

May 17, 1948.

To the Honorable President and
Members of the Common Council
City of Indianapolis.

Gentlemen:

We submit herewith General Ordinance No. 43, 1948.

This Ordinance establishes Loading Zones at:

Langsenkamp Company, 223 W. Maryland St.,
American Art Mosaic & Tile Co., 1025 E. Market St.,
Indianapolis Plating Co., 425 W. Vermont St.,

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Ballard Ice Cream Co., 315 N. Alabama St.

We respectfully recommend its passage.

Yours very truly,

BOARD OF PUBLIC SAFETY,

L. J. KEACH, President.

May 17, 1948.

To the Honorable President and
Members of the Common Council of
The City of Indianapolis.

Gentlemen:

Attached hereto find 21 copies of General Ordinance No. 44,
1948, relating to the licensing of Slot Machines and Vending Machines.

I recommend the passage of this ordinance.

PHILLIP L. BAYT,
City Controller.

May 13, 1948.

Honorable President and Members of
The Common Council of the
City of Indianapolis

Attached hereto are twenty two (22) copies of Special Ordinance
No. 7, 1948, authorizing the Board of Public Works of the City of
Indianapolis, to grant and convey unto The Indianapolis Union Rail-
way Company an easement of right-of-way over a certain three (3)
foot of land.

The authority to make this conveyance is requested in order to
carry out the Shelby Street Grade Separation Project.

Respectfully submitted,

BOARD OF PUBLIC WORKS,
HENRY MUELLER, Executive Secretary.

May 15, 1948.

Honorable President & Members
of the Common Council
City of Indianapolis

Gentlemen:

Attached hereto are copies of Special Ordinance No. 8, 1948, an ordinance annexing certain contiguous territory to the City of Indianapolis, which has the endorsement of the City Plan Commission.

Respectfully submitted,

NOBLE P. HOLLISTER,
Executive Secretary, City Plan Commission.

At this time those present were given an opportunity to be heard on Appropriation Ordinance No. 5, General Ordinances Nos. 24, 28, 31, 32, 33, 34, 35, 1948.

Mr. Seidensticker asked for recess. The motion was seconded by Mr. Ross, and the Council recessed at 8:40 P. M.

The Council reconvened at 9:20 P. M., with the same members present as before.

COMMITTEE REPORTS

Indianapolis, Ind., May 17, 1948.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Finance, to whom was referred Appropriation Ordinance No. 5, 1948, entitled

AN ORDINANCE transferring funds from the general fund of the Board of Public Health and Hospitals to certain designated funds for combating the rabies epidemic

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

JOSEPH A. WICKER, Chairman
JOSEPH C. WALLACE
GUY O. ROSS
J. PORTER SEIDENSTICKER

Indianapolis, Ind., May 17, 1948.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Works, to whom was referred General Ordinance No. 24, 1948, entitled

AN ORDINANCE to amend General Ordinance No. 114, 1922 (as amended) (Maple Crest Addition)

beg leave to report that we have had said ordinance under consideration, and recommend that the same be stricken from the files.

JOSEPH C. WALLACE, Chairman
GUY O. ROSS
J. PORTER SEIDENSTICKER
JOSEPH E. BRIGHT
DONALD B. JAMESON

Indianapolis, Ind., May 17, 1948.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Public Works, to whom was referred General Ordinance No. 33, 1948, entitled

AN ORDINANCE authorizing the Board of Public Works to purchase gravel, aggregate, sand, limestone dust, etc., and 1 Tandem Type Roller

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

JOSEPH C. WALLACE, Chairman
 GUY. O. ROSS
 J. PORTER SEIDENSTICKER
 JOSEPH E. BRIGHT
 DONALD B. JAMESON

Indianapolis, Ind., May 17, 1948.

To the President and Members of the Common Council
 of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Safety, to whom was referred General Ordinance No. 31, 1948, entitled

AN ORDINANCE amending Section 45 of General Ordinance 96, 1928, as amended to provide additional one-way streets (on Vermont Street, Michigar. Street, East Street, and New Jersey Street)

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

GUY O. ROSS, Chairman
 JOSEPH A. WICKER
 JOSEPH C. WALLACE
 CHARLES P. EHLERS
 JOSEPH E. BRIGHT

Indianapolis, Ind., May 17, 1948.

To the President and Members of the Common Council
 of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Safety, to whom was referred General Ordinance No. 32, 1948, entitled

AN ORDINANCE prohibiting left turns at the intersection of 30th and Central Avenue, providing the penalty for the violation thereof

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

GUY O. ROSS, Chairman
JOSEPH A. WICKER
JOSEPH C. WALLACE
CHARLES P. EHLERS
JOSEPH E. BRIGHT

Indianapolis, Ind., May 17, 1948.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Safety, to whom was referred General Ordinance No. 35, 1948, entitled

AN ORDINANCE prohibiting the driving, storage, parking or loading of vehicles upon the streets, boulevards, bridges, alleys, or curbs of the City of Indianapolis in any manner that would cause or result in or to damage to the pavement, shoulders or curbs of such streets.

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed, as amended.

GUY O. ROSS, Chairman
JOSEPH A. WICKER
JOSEPH C. WALLACE
CHARLES P. EHLERS
JOSEPH E. BRIGHT

Indianapolis, Ind., May 17, 1948.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on Health, to whom was referred General Ordinance No. 34, 1948, entitled

AN ORDINANCE to amend General Ordinance No. 114, 1922 (as amended) (Broad Ripple Avenue—64th Street and Evanston Avenue)

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

J. PORTER SEIDENSTICKER, Chrmn.
JOSEPH A. WICKER
DONALD B. JAMESON

Indianapolis, Ind., May 17, 1948.

To the President and Members of the Common Council
of the City of Indianapolis, Indiana.

Gentlemen:

We, your Committee on City Welfare, to whom was referred General Ordinance No. 28, 1948, entitled

AN ORDINANCE to amend General Ordinance No. 5, 1937, as amended, so as to except Charitable and/or non-profit Institutions and Corporations from paying \$250.00 per day for each carnival, festival or street fair

beg leave to report that we have had said ordinance under consideration, and recommend that the same be passed.

DONALD B. JAMESON, Chairman
CHARLES P. EHLERS
GUY O. ROSS

INTRODUCTION OF GENERAL ORDINANCES

By the Board of Public Safety:

GENERAL ORDINANCE NO. 36, 1948.

AN ORDINANCE establishing a certain passenger and/or loading zone in the City of Indianapolis, pursuant to the provisions of

Section 26 of General Ordinance No. 96-1928, as amended; and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That for the purpose of providing the owners or occupants of certain premises fronting on certain public streets in the City of Indianapolis with ingress and egress for passengers, materials and merchandise coming to or going from such premises, such owner or occupants having complied with the provisions of Section 26 of General Ordinance No. 96-1928, as amended, and the Board of Public Safety, after due investigation having recommended the establishment of the same, the following passenger and/or loading zones be and the same are hereby established in the City of Indianapolis, to-wit:

- (a) A loading zone to begin at a point 5 feet north of the south building line of 1108 North Pennsylvania Street and extend north 25 feet on the west side of Pennsylvania Street; for the use and occupancy of Curtis & French Co., 1108 N. Pennsylvania Street.
- (b) A loading zone to begin at a point 15 feet east of the west building line of 417 East 22nd Street and extending east 25 feet on the south side of said East 22nd Street; for the use and occupancy of the Marvel Venetian Blind Co., 417 East 22nd Street.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read for the first time and referred to the Committee on Safety.

By the Purchasing Agent:

GENERAL ORDINANCE NO. 37, 1948.

AN ORDINANCE authorizing the Board of Public Works to purchase, through its duly authorized Purchasing Agent, certain equipment to be paid for out of funds heretofore appropriated; and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That the Board of Public Works of the City of Indianapolis be and is hereby authorized and empowered to purchase, through its duly authorized Purchasing Agent, the hereinafter described equipment to be used by the respective department as indicated. The said equipment is to be purchased from the lowest and best bidder, or bidders, whose bids have been received and opened in public by said board after advertisement therefor, and the total cost of said equipment shall not exceed the sum of money hereinafter set out, to be paid out of funds heretofore appropriated for the use of said Board.

Req. No. 10181—Street Commissioner Department—

| | |
|--|---------------|
| (1) Motorized Pick-up Sweeper, 2 to 2½ yds. capacity with special equipment -----@ | \$6,343.00 |
| Less trade in City No. 152 Austin-Western R-796 -----@ | 300.00 |
| | <hr/> |
| | Net \$6043.00 |

Req. No. 10182—Street Commissioner Department—

| | |
|--|---------------|
| (1) Motorized Pick-up Sweeper, 2 to 2½ yds. capacity with special equipment -----@ | \$6,343.00 |
| Less trade in City No. 153 Austin-Western R-792 -----@ | 300.00 |
| | <hr/> |
| | Net \$6043.00 |
| Total----- | \$12,086.00 |

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read for the first time and referred to the Committee on Public Works.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 38, 1948.

AN ORDINANCE approving an order of the Board of Safety of the City of Indianapolis to establish a two-cab Taxicab Stand in said city, pursuant to Section 9 of General Ordinance 87-1935, as amended; and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That an order of the Board of Public Safety of the City of Indianapolis, heretofore adopted and establishing the two-cab Taxicab Stand hereinafter designated, be and it is hereby approved, to establish the following described two-cab Taxicab Stand at the following location of said city, to-wit:

“Beginning at a point ninety-seven feet north of the north curb line of Roach Street and extending north a distance of thirty-eight feet on the west side of Northwestern Avenue,” two-cab Taxicab Stand.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read for the first time and referred to the Committee on Safety.

By the Board of Sanitation:

GENERAL ORDINANCE NO. 39, 1948.

AN ORDINANCE providing for the regulation of the deposit of refuse matter upon private property, the payment of fees and the granting of permits, providing for penalties for violation thereof, and fixing the time when the same shall take effect, and repealing General Ordinance No. 54-1939.

WHEREAS, the Common Council of the City of Indianapolis, deems it necessary in order to protect the public health, provide for public safety from fire and other dangers, conserve the value of property in the city, and promote the morals and general welfare of the city; NOW, THEREFORE,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. It shall be unlawful for any person or persons to invite, encourage, permit, or suffer any person to deposit refuse matter, as hereinafter defined, upon real property in his possession, ownership or control without first obtaining a permit to do so as hereinafter provided;

Section 2. Whenever in this Ordinance the following terms are used, they shall have the meaning respectively ascribed to them in this section:

(a) "Person" shall refer to any natural individual, association of individuals, partnership or corporation.

(b) "Non-combustible refuse matter" shall refer to all trash, rubbish, tin cans, tinware, all other metallic substances, bottles, glassware, earthenware, ashes, asphalt roofing, electric storage batteries, and all other discarded substances regardless of value, but the same shall not refer to nor include in this definition garbage, animal offal, carcasses of dead animals, and other putrescible matter.

(c) "Combustible refuse matter" shall refer to all combustible waste including paper, rags, excelsior, wood or wood products, grass, leaves, and all other waste substances capable of ready incineration.

(d) "Private Dump" shall refer to all real estate privately owned upon which refuse matter, both combustible and non-combustible, may be deposited in accordance with the provisions of this ordinance.

Section 3. Any person or persons desiring to allow real property in his possession, control or ownership to be used by any person or persons for the purpose of depositing refuse matter, as above defined, shall first file with the Board of Sanitary Commissioners of the City of Indianapolis a verified application signed by the applicant upon a form to be furnished and approved by said Board of Sanitary Commissioners, which application shall contain a description of the real estate intended to be used for the deposit of refuse matter, and the following information: (1) name of applicant; (2) name of owner or owners of such property; (3) name of lessee if such property is leased; (4) whether such property has ever been used for such purpose heretofore; (5) whether such property has any improvements

thereon, and the purpose of such improvements; (6) how ingress and egress to such property is to be obtained; (7) the hours during the day such property is to be used for such purposes; (8) the approximate level of such property in relation to the level of abutting properties, streets and alleys; (9) the methods proposed to be followed by such applicant to keep the top of the real estate used for dumping of refuse in level and sanitary condition; (10) whether said private dump is to be used for the deposit of combustible or non-combustible refuse matter, or both, and any other information as the Board of Sanitary Commissioners may require not inconsistent with this ordinance.

Section 4. It shall be unlawful for any person or persons to allow real property in the possession, control, or ownership of such person or persons to be used as a private dump for the deposit of non-combustible refuse matter unless the following conditions are complied with: (1) there shall be a grade line for said property not in excess of the average line of the level of adjoining property within a radius of one hundred (100) feet of such real estate; (2) there shall be a place for a fill on said real property wherein said refuse shall be deposited; (3) that the owners, lessees, controllers, or operators of said real property shall have first obtained a special permit from the Board of Zoning Appeals of the City of Indianapolis; and (4) there shall be at least one (1) roadway to the nearest alley, street or highway, providing ingress and egress to the private dump; (5) that the owners, lessees, controllers, or operators of said real property shall have necessary mechanical equipment available to keep the dump level, to build ramps when needed, and to handle earth for surfacing dump.

Section 5. It shall be unlawful for any person or persons to allow real property in the possession, control, or ownership of such person or persons to be used as a private dump for the deposit of combustible refuse matter unless the following conditions are complied with: (1) there shall be a grade line for said property not in excess of the average line of the level of adjoining property within a radius of one hundred (100) feet of such real estate; (2) there shall be a place for a fill on said property wherein said refuse shall be deposited; (3) that the owners, lessees, controllers, or operators of said real property shall have first obtained a special permit from the Board of Zoning Appeals of the City of Indianapolis; and (4)

there shall be at least one (1) roadway to the nearest alley, street or highway, providing ingress and egress to the private dump; (5) that the owners, lessees, controllers, or operators of said real property shall have necessary mechanical equipment available to keep the dump level, to build ramps when needed, and to handle earth for surfacing dump.

Section 6. The Board of Sanitary Commissioners, upon receiving an application as provided for in Section 3 of this ordinance, shall cause to be made an examination of said application and an inspection of such real estate intended to be used as a private dump and if they find that said application is properly executed and that the conditions set forth in Section 4 and 5, or both of said sections, are complied with, said Board of Sanitary Commissioners shall approve such application and shall issue a permit to such applicant to operate said real estate as a private dump, providing that said permit shall specifically state whether said applicant is to operate said private dump for the purpose of depositing combustible refuse matter or for the purpose of depositing non-combustible refuse matter, or both.

Section 7. Before any permit shall be granted upon any application as provided in Section 3 of this ordinance, the applicant shall pay a fee of Five (\$5.00) Dollars to the office of the City Controller. The conditions of said permit shall be as follows: (1) said permit shall not be in force and effect after the expiration of one (1) year from the date it is granted; (2) said permit shall be assigned only upon the written consent of the Board of Sanitary Commissioners; (3) the person or persons to whom the permit is granted shall not permit or suffer any refuse matter, combustible or non-combustible, to be deposited upon such real estate to a height in excess of the grade line; (4) an attendant shall be on duty during the hours in which the deposit of refuse is permitted; (5) an appropriate sign shall be posted in a conspicuous place on said real estate indicating the hours during which refuse matter may be deposited; (6) such real estate where refuse matter shall be deposited shall be subject to inspection by the Board of Sanitary Commissioners at regular intervals during the year; (7) if said real estate is to be used as a private dump for combustible refuse matter, proper safeguards against fire shall be installed in accordance with the regulations of the Fire Prevention Bureau of the Indianapolis Fire Department; (8) the granting of this permit shall not supercede or take the place of any

permit in addition thereto which may be required by the Board of Safety, the Health Department, the Board of Zoning Appeals, or any other department of the City of Indianapolis; (9) the owner, lessee, controller, or operator of any private dump shall make adequate provision for covering over the refuse deposited at regular intervals with earth or other substances as required by the Board of Sanitary Commissioners; (10) said permit shall be subject to any further rules and regulations issued by the Board of Sanitary Commissioners from time to time for the sanitary disposal of all refuse matter.

Section 8. This ordinance shall not be interpreted as applying to the deposit of refuse matter for the purpose only of temporary storage. This ordinance shall in no way repeal or modify any provision of General Ordinance No. 114-1922, as amended and known as the Zoning Ordinance or any provision of any ordinance pertaining to garbage or the deposit of material upon streets, alleys, sidewalks, or public places. If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, but the same shall continue in full force and effect. The Common Council of the City of Indianapolis hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases be declared unconstitutional or invalid.

Section 9. The violation of any of the provisions of this ordinance by any person or persons shall be cause for revocation of said permit by the Board of Sanitary Commissioners if such a permit has been issued, and said person or persons shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed Three Hundred (\$300.00) Dollars to which may be added imprisonment not exceeding one Hundred and Eighty (180) days.

Section 10. General Ordinance No. 54-1939 of the Common Council of the City of Indianapolis is hereby repealed.

Section 11. Whereas there is an emergency, this ordinance shall be in full force and effect immediately following its passage by the City Council, its approval by the Mayor, and publication according to law.

Which was read for the first time and referred to the Committee on Public Health.

By the Purchasing Agent:

GENERAL ORDINANCE NO. 40, 1948.

AN ORDINANCE authorizing the Board of Public Works to purchase through its duly authorized Purchasing Agent, materials to be paid for out of funds heretofore appropriated; and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That the Board of Public Works of the City of Indianapolis be and is hereby authorized and empowered to purchase, through its duly authorized Purchasing Agent, the hereinafter described materials to be used by the Engineering Department, Asphalt Plant of said Board. The said material is to be purchased from the lowest and best bidder or bidders, whose bids have been received and opened in public by said board after advertisement therefor, and the total cost per unit, shall not exceed the sum of money hereinafter set out, to be paid out of funds heretofore appropriated for the use of said Board.

Req. No. 4904—Engineering Department—Asphalt Plant
 150 Gal. (more or less)
 Bituminous Material @ 22c per gal.
 9000 Tons (more or less)
 Pea Gravel or No. 12 Aggregate,
 furnished and applied @ \$3.40 per ton

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read for the first time and referred to the Committee on Public Works.

By the City Controller:

GENERAL ORDINANCE NO. 41, 1948.

AN ORDINANCE to amend Section 3 of General Ordinance No. 78, 1945, and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That Section 3 of General Ordinance No. 78, 1945, be and the same is hereby amended to read as follows:

“Section 3. Any person, firm or corporation now or hereafter engaged in the retail solid fuel business, within said city, and having a place of business therein, as hereinafter described, may secure a license as a “Retail Solid Fuel Dealer” upon written application to the City Controller, on forms provided by said Controller and containing the provisions herein and hereinafter set out in Section 4 of this ordinance. The application shall set forth the name of the applicant, and if a firm, the name of each partner, the business address of applicant and the location by street number of each separate place of business owned, operated, or leased by such applicant. Such application shall be verified by the applicant or someone in behalf of applicant authorized to verify such application. Upon the filing of such application and the payment of the sum of Twenty-five (\$25.00) Dollars, for each such separate place of business as hereinafter described in Section 4 hereof, as an annual license fee, the City Controller shall issue a license authorizing such applicant to conduct a retail solid fuel business at each separate place of business within the corporation limits of the City of Indianapolis.”

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read for the first time and referred to the Committee on Finance.

By the City Controller:

GENERAL ORDINANCE NO. 42, 1948.

AN ORDINANCE to amend Section 476 (3), Section 703 and Section

709 of the Municipal Code of 1925, and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That Section 476 (3) of the Municipal Code of 1925 be amended to read as follows:

“Section 476 (3), Motor Vehicle Dealers, Second Hand. Every dealer in second hand or used motor vehicles, or in used motor vehicle parts or accessories therefore, for each place, store, sales lot or establishment, for the purchase, trade, exchange and sale thereof, for each such place of business, at the rate of \$25.00 for one year.”

Section 2. That Section 703 of the Municipal Code of 1925 be amended to read as follows:

“Section 703. In Motor Vehicles, Definition. Every person who engages in the business of purchasing, selling, trading or exchanging second hand motor vehicles, or parts or accessories therefor or who keeps a place, store, sales lot or establishment for any such purpose, is hereby defined and declared to be a dealer in second hand motor vehicles, and must obtain a City license for each and every place of business, as required by ordinance.”

Section 3. That Section 709 of the Municipal Code of 1925 be amended to read as follows:

“Section 709. Penalty. Any person violating any of the provisions of the next preceding six sections of this ordinance shall, on conviction be fined in the sum not less than \$5.00 nor more than \$300.00, and for a second or subsequent offense imprisonment, not exceeding 30 days, may be added”

Section 4. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication according to law.

Which was read for the first time and referred to the Committee on Safety.

By the Board of Public Safety:

GENERAL ORDINANCE NO. 43, 1948.

AN ORDINANCE establishing a certain passenger and/or loading zone in the City of Indianapolis, pursuant to the provisions of Section 26 of General Ordinance No. 96, 1928, as amended; and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That for the purpose of providing the owners or occupants of certain premises fronting on certain public streets in the City of Indianapolis with ingress and egress for passengers, materials and merchandise coming to or going from such premises, such owners or occupants having complied with the provisions of Section 26 of General Ordinance No. 96, 1928, as amended, and the Board of Public Safety, after due investigation having recommended the establishment of the same, the following passenger and/or loading zones be and the same are hereby established in the city of Indianapolis, to-wit:

- (a) A loading zone beginning at a point 5 feet from the east building line of 223 West Maryland Street and extending 50 feet west from said point on the south side of West Maryland Street, for the use and occupancy of Lanksenkamp Co., 223 W. Maryland St.
- (b) A loading zone beginning at a point 10 feet from the west building line of 1025 East Market Street and extending 25 feet east from said point on the south side of East Market Street for the use and occupancy of the American Art Mosaic and Tile Co., 1025 E. Market St.
- (c) A loading zone to begin at a point 35 feet south of the south curb line of West Vermont Street and

- extending south a distance of 35 feet on the west side of Toledo Street for the use and occupancy of the Indianapolis Plating Co., 425 W. Vermont St.
- (d) A loading zone to begin at a point 5 feet south of the north building line of 315 North Alabama St., and extending south from said point 25 feet from the east side of North Alabama Street, for the use and occupancy of the Ballard Ice Cream Co., 315 N. Alabama Street.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read for the first time and referred to the Committee on Elections.

By the City Controller:

GENERAL ORDINANCE NO. 44, 1948.

AN ORDINANCE to amend Section 476 (28) of the Municipal Code of 1925, and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That section 476 (28) of the Municipal Code of 1925 be and the same is hereby amended to read as follows:

- (a) Mechanical Amusement Device License:
It shall be unlawful for any person to conduct, manage, exhibit or let the use of any telescope, microscope, lung tester, muscle tester, strength tester, galvaric battery, ball, knife or ring throwing game, for profit, without first procuring a license therefor. The license fee for each of the above enumerated mechanical amusement devices shall be \$3.00 per year.
- (b) Slot machines or Vending Machines License:
It shall be unlawful for any person, operator, manufacturer, agent, wholesaler or retailer to conduct,

operate, supervise or give space to any slot machine or vending machine used for the purpose of selling goods, drinks, services or materials of any kind; or so used for the weighing or exhibiting of pictures or views or for taking pictures of any kind for profit, or for conducting, operating or exhibiting any phonographs, graphophone, talking machine, kinoscope, biograph, projectoscope, television or for a game of skill or any such instrument or device for profit without a license thereon. The license fee for any such slot machine, vending machine, instrument or device shall be \$10.00 per year.

Section 2. Each person, operator, manufacturer, agent or retailer who procures a license as above set out to operate such slot machine, vending machine or any such instrument or device shall secure from the City Controller of Indianapolis, a metal disc or tag one for each machine so licensed to be securely attached thereto, to show that said machine has been licensed.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication according to law.

Which was read for the first time and referred to the Committee on Finance.

INTRODUCTION OF SPECIAL ORDINANCES

By the Board of Public Works:

SPECIAL ORDINANCE NO. 7, 1948.

AN ORDINANCE authorizing the grant of an easement over certain land in the City of Indianapolis, and fixing a time when the same shall take effect.

WHEREAS, the City of Indianapolis acting by and through its Board of Public Works with the approval of its Mayor under

date of September 13, 1946, entered into a certain written agreement with The Indianapolis Union Railway Company, a corporation existing under the laws of the State of Indiana, providing for the construction of a grade separation structure at the intersection of said Railway Company's tracks with Shelby Street in the City of Indianapolis, Indiana, and

WHEREAS, pursuant to said agreement dated September 13, 1946, it is provided that the City shall furnish and/or acquire titles or easements for all rights-of-ways required under said grade separation project for railroad purposes and shall convey the same to said Railway Company, and

WHEREAS, in order to carry out the provisions of said written agreement, it is necessary to grant unto said Railway Company an easement of right-of-way to a certain three (3) ft. strip of land north of and adjacent to the present right-of-way line of said Railway Company between Shelby Street and Barth Avenue as now located in the City of Indianapolis, Indiana, NOW THEREFORE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That the Board of Public Works of the City of Indianapolis, is hereby authorized to grant and convey unto said The Indianapolis Union Railway Company, its successors and assigns, an easement for the free, entire and uninterrupted, use and enjoyment, for railroad purposes, without let, hindrance or restriction of a certain strip of land three (3) ft. in width, north of and adjacent to said Railway Company's presently existing right-of-way between Shelby Street and Barth Avenue, as now located in the City of Indianapolis, Marion County, Indiana, said three (3) ft. strip being more particularly described as follows, to-wit:

Part of Lot 18, Square 9, in David S. Beaty's Addition to Indianapolis as per plat thereof recorded in plat book 5 at page 14 in the office of the Recorder of Marion County, Indiana, described as follows: A strip three (3) feet wide off the entire south side of the north Thirteen and five tenths (13.5) feet of Lot 18, and also the west seven and five tenths (7.5) feet of the vacated alley abutting the east

end of the above described part of Lot 18, Square 9.

Also part of Lot 23, Square 9, in David S. Beaty's Addition to Indianapolis as per plat thereof recorded in plat book 5 at page 14 in the office of the recorder of Marion County, Indiana, described as follows: Beginning at the intersection of a line ten and five tenths (10.5) feet south of and parallel to the north line of Lot 23 with the west line of Shelby Street as established sixty (60) feet wide; thence south along the said west line of Shelby street three (3) feet; thence west along a line thirteen and five tenths (13.5) feet south of and parallel to the north line of Lot 23, a distance of one hundred thirty-seven (137) feet one (1) inch to the west line of Lot 23; thence north along the west line of three (3) feet; thence east along a line ten and five tenths (10.5) feet south of and parallel to the north line of Lot 23, a distance of one hundred thirty-seven (137) feet one (1) inch to the place of beginning, and also the east seven and five tenths (7.5) feet of the vacated alley abutting the west end of the above described part of Lot 23, Square 9.

Section 2. The Board of Public Works acting for and on behalf of said city with the approval of its Mayor shall be authorized to impose such condition and restrictions on said grant as it shall in its sole discretion deem necessary and advisable in order to properly carry out the terms of said agreement dated September 13, 1946.

Section 3. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Which was read for the first time and referred to the Committee on Public Works.

By the City Plan Commission:

SPECIAL ORDINANCE NO. 8, 1948.

AN ORDINANCE annexing certain contiguous territory to the City of Indianapolis, and fixing a time when the same shall take effect.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS, INDIANA:

Section 1. That the City of Indianapolis, Indiana, be and the same is hereby extended so as to include the following described territory, which is hereby annexed and made a part of the territory constituting the City of Indianapolis, Indiana, and described as follows, to-wit:

Beginning at a point, said point being the intersection of the north line of Section 33, Township 16 North, Range 3 East, and the west property line of Kessler Boulevard North Drive and the present corporation line of the City of Indianapolis; thence south on and along said west property line and present corporation line a distance of six hundred twenty-four and five-tenths (624.5) feet, more or less, to the south boundary line of Kessler-Tibbs Addition, an addition to the City of Indianapolis, as recorded in Plat Book 27, Page 249, in the office of the Recorder of Marion County, Indiana; thence west on and along said south boundary line of said addition and the present corporation line of the City of Indianapolis to the center line of Tibbs Avenue; thence north on and along said center line of Tibbs Avenue to the north line of said Section 33; thence east on and along said north line of Section 33 to the place of beginning.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and publication according to law.

Which was read for the first time and referred to the Committee on City Welfare.

ORDINANCES ON SECOND READING

Mr. Wicker called for Appropriation Ordinance No. 5, 1948 for second reading. It was read a second time.

On motion of Mr. Wicker, seconded by Mr. Seidensticker, Appropriation Ordinance No. 5, 1948, was ordered engrossed, read a third time and placed upon its passage.

Appropriation Ordinance No. 5, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 7, viz: Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Noes 1, viz: Mr. Bright.

Mr. Wallace moved that General Ordinance No. 24, 1948 be stricken from the files. Which was seconded by Mr. Seidensticker and carried by the following roll call vote:

Ayes 6, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, President Emhardt.

Noes 2, viz: Mr. Wallace, Mr. Wicker.

Mr. Wallace called for General Ordinance No. 33, 1948 for second reading. It was read a second time.

On motion of Mr. Wallace, seconded by Mr. Seidensticker, General Ordinance No. 33, 1948 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 33, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Ross called for General Ordinance No. 31, 1948 for

second reading. It was read a second time.

On motion of Mr. Ross, seconded by Mr. Ehlers, General Ordinance No. 31, 1948 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 31, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 7, viz: Mr. Bright, Mr. Ehlers, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Noes 1, viz: Mr. Jameson.

Mr. Ross called for General Ordinance No. 32, 1948 for second reading. It was read a second time.

On motion of Mr. Ross, seconded by Mr. Seidensticker, General Ordinance No. 32, 1948 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 32, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Ross called for General Ordinance No. 35, 1948 for second reading. It was read a second time.

Mr. Ross presented the following motion to amend General Ordinance No. 35, 1948:

Indianapolis, Ind., May 17, 1948.

Mr. President:

I move that General Ordinance No. 35, 1948 be amended by wording the preamble as follows:

"AN ORDINANCE prohibiting the operating, towing, pulling, storage, parking or loading of vehicles upon the streets, boulevards, bridges, alleys, or curbs of the City of Indianapolis, in any manner that would cause or result in or to damage to the pavement, shoulders or curbs of such streets."

and by the wording Section 1 as follows:

"Section 1. It shall be unlawful for any person, firm, or corporation to operate, tow, pull, park, store or load, any vehicle on or upon the streets of Indianapolis or to cause to be operated, towed, pulled, parked, stored or loaded, any vehicle upon such streets, boulevards, bridge, alleys or curbing, in such a manner as to injure the asphalt, cement, brick or other smooth surfaced part of such street, boulevards, bridge, alleys or curbing within the City of Indianapolis."

GUY O. ROSS Councilman.

The motion was seconded by Mr. Ehlers and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

On motion of Mr. Ross, seconded by Mr. Ehlers, General Ordinance No. 35, 1948, As Amended, was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 35, 1948, As Amended, was read a third time by the Clerk and passed by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Mr. Seidensticker called for General Ordinance No. 34, 1948 for second reading. It was read a second time.

On motion of Mr. Seidensticker, seconded by Mr. Jameson, General Ordinance No. 34, 1948 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 34, 1948 was read a third time by the Clerk and passed by the following roll call vote:

Ayes 7, viz: Mr. Bright, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

Noes 1, viz: Mr. Ehlers.

Mr. Jameson called for General Ordinance No. 28, 1948 for second reading. It was read a second time.

On motion of Mr. Jameson, seconded by Mr. Ehlers, General Ordinance No. 28, 1948 was ordered engrossed, read a third time and placed upon its passage.

General Ordinance No. 28, 1948 was read a third time by the Clerk and failed to pass by the following roll call vote:

Ayes 3, viz: Mr. Ehlers, Mr. Jameson, Mr. Ross.

Noes 5, viz: Mr. Bright, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

MISCELLANEOUS BUSINESS

Mr. Wicker moved that General Ordinance No. 44, 1948 be stricken from the files. Which was seconded by Mr. Seidensticker and carried by the following roll call vote:

Ayes 8, viz: Mr. Bright, Mr. Ehlers, Mr. Jameson, Mr. Ross, Mr. Seidensticker, Mr. Wallace, Mr. Wicker, President Emhardt.

On motion of Mr. Ross, seconded by Mr. Ehlers, the Common Council adjourned at 9:40 P. M.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Common Council of the City of Indianapolis, held on the 17th day of May, 1948, at 7:30 P. M.

In Witness Whereof, we have hereunto subscribed our signatures and caused the seal of the City of Indianapolis to be affixed.



President.

ATTEST:



City Clerk.

(SEAL)

